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DEPT FOR EUR (FRIED AND DICARLO), D (SMITH), P (BAME),  
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USNIC FOR WEBER AND GREGORIAN, OSD FOR FLORY

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TAGS: [PREL](#) [PGOV](#) [BK](#)

SUBJECT: BOSNIA: PRESIDENCY AGREES ON CONSTITUTIONAL  
LANGUAGE, DELIVERS TO PARLIAMENT FOR PASSAGE

Classified By: CHARGE D'AFFAIRES TINA S. KAIDANOW, REASONS  
1.4 (B) AND(D).

¶1. (C) SUMMARY: After last-minute wrangling among BiH political party leaders, the BiH Tri-Presidency on March 25 endorsed and forwarded to parliament a package of constitutional amendments that will substantially strengthen the Council of Ministers and Parliament and streamline the Presidency, creating a single president for the first time since the war's end. Party leaders fought over wording of the amendments up to the last minute, with Republika Srpska (RS) leaders rejecting U.S. language that would have more sharply delineated the change wrought in the office of the President. All agreed in the end to delay sending the human rights amendments to the Parliament to enable further input by the Venice Commission and the Department's Legal Advisor. At the insistence of Croat HDZ leader Covic, the party leaders will meet in a week to reconfirm their political commitment to the wording of the amendments. While it is possible the HDZ may belatedly try to revise some of the language, this is also an attempt to recommit all sides to enforcing party discipline on the floor of the Parliament.  
END SUMMARY.

¶2. (C) In typical fashion, BiH political party leaders nearly missed their own now-or-never deadline for getting draft constitutional amendments to the Parliament by March 25, fighting among themselves over wording of the amendments during the final 24 hours. This occurred despite exhaustive consultations with legal experts, brokered by the Embassy in the preceding 10 days, to produce amendments that accurately reflected political agreements on strengthening the Council of Ministers and the Parliament, streamlining the Presidency, and defining the division of responsibilities between the State and Entities.

¶3. (C) Ambassador spent most of March 24 on the phone with SDA (Bosniak) leader Tihic, HDZ (Croat) leader Covic, and SDS (Serb) leader Cavic, pushing the three to resolve their lingering differences directly with each other. Tihic in particular sought Ambassador's assistance; an early morning session of the Tri-Presidency that he had called to endorse the amendments on March 24 was derailed when SDS Tri-Presidency member Borislav Paravac refused to attend, abruptly informing Tihic that he had "no instructions" from the Banja Luka parties. For reasons that remain unclear even now, it became evident on the morning of March 24 that none of the three RS party leaders had yet read the draft amendments package. Initially informed that Covic would instruct Croat member of the Tri-Presidency Jovic to sign the

package, Covic subsequently pulled his authorization when he learned that the SDS leader had faxed Tihic five pages of changes to the text. Throughout the day and late into the night, Ambassador pressed Covic (and through him, SNSD leader Dodik and PDP leader Ivanic) to winnow their changes down to technical ones, and to confer directly with Covic and Tihic to come to final agreement.

14. (C) The three leaders finally confirmed a joint position just before midnight on March 24. In so doing, they agreed to the RS parties' rejection of U.S.-proposed language on the Presidency which would have more sharply delineated in the Constitution the changes to the Presidency that will establish a single President with a 16-month term. Despite the leaders' agreement, wrangling continued up until the moment of signature by the members of the Tri-Presidency on the morning of March 25, with Croat member Jovic (at HDZ leader Covic's request) insisting that the parties agree to meet in one week to reconfirm the parties' commitment to the wording of the amendments. While it is possible the Croat parties may use that meeting to try to rework some of the language on issues of particular interest (Note: the Embassy used the legal experts' drafting sessions to tighten and restrict use of the Vital National Interest veto. End Note.), Covic is also seeking to lock the leaders in to enforcing party discipline on the floor of the Parliament.

15. (C) COMMENT: The last-minute wrangling of the parties March 24, though frustrating, was not particularly surprising. Even at this late stage, the lack of trust among the parties and fear of adverse electoral consequences if they are seen to be giving up too much contribute to the tense atmosphere and insistence on hewing closely to the language of the political agreement. Active involvement by the Embassy will be required to see the legislation smoothly through the 30-day parliamentary procedure required to amend the constitution. Embassy plans extensive outreach to key parliamentarians, opinion leaders, academics and journalists in an effort to better educate the public about the proposed changes to the constitution. The hard part is yet to come, and we expect the end game to be a nail-biter. END COMMENT.

MCELHANEY